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Customer Number

Patent Case No.: 47966.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CLAUDIO GIORDANO
Application No.: 10/530,080 Group Art Unit: 1625
Filed: April 1, 2005 Examiner: DAVIS, Zinna N.
Title: PROCESS FOR THE PREPARATION OF ARYL-PIRIDYL
COMPOUNDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This communication is filed in response to the restriction requirement of July 17, 2009, the period for response to which has been extended to September 17, 2009.

The Examiner has identified two Groups:

Group I, drawn to a method of preparation of compounds of formula (I); and

Group II, drawn to a method of preparation of heterocyclic azahexane derivatives wherein the compounds are not depicted.

Applicants, through their attorney, elect with traverse the invention of Group I, identified by the Examiner as corresponding to claims 1 – 22. However, the Applicants assert that Group I corresponds to claims all of the claims, 1 - 23.

The Applicants traverse the restriction requirement on the grounds that only one group exists. Applicants believe that claim 23 should also be included in Group I, since claim 23 calls for a method which “comprises the method according to claim 1.” As such, claim 23 includes all of the limitations of claim 1, including formula (I). As such, the Applicants asserts that the

restriction is improper, as all claims are drawn to a method of preparation of compounds of formula I and therefore all fall within Group I. The single inventive concept being claimed is the process of claim 1.

Applicants further traverse the restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P § 803. The subject matter of Group I and Groups II are believed sufficiently related that a thorough search for the subject matter of Group I would encompass a search for the subject matter of Group II. As explained above, claim 23 (the only claim of Group II) calls for a method which “comprises the method of claim 1.”

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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